

**MINUTES  
BOARD OF FORESTRY  
January 5, and 6, 1999  
Sacramento, California**

**MEMBERS PRESENT:** Robert J. Kerstiens, Chairman  
Nicole Clay, Vice Chair  
Herbert Baldwin  
Charles (Charlie) J. Brown  
Robert Heald  
Raymond Flynn  
Tharon O'Dell  
Richard Rogers

**MEMBERS ABSENT:** Dale T. Geldert

**BOARD STAFF PRESENT:** Christopher P. Rowney  
Executive Officer  
Daniel R. Sendek  
Executive Officer for Licensing  
Fran Henson, Committee Consultant  
Donna Stadler, Executive Assistant

**DEPARTMENTAL STAFF:** Richard Wilson, Director  
Ross Johnson, Acting Deputy Director  
Dean Lucke, Assistant Deputy Director

**CALL TO ORDER**

Chairman Kerstiens called the January 1999 Board of Forestry meeting to order.

Chairman Kerstiens then asked newly appointed Board member Charles (Charlie) J. Brown to go to the podium to be sworn-in. Congratulations to Charlie and welcome aboard.

**MINUTES**

Chairman Kerstiens asked for approval of the Board's November 1998 minutes.

**99-1-1**

Ms. Clay moved to approve the November 1998 minutes as amended. Mr. Flynn seconded the motion, and all were in favor.

#### **CHAIRMAN'S REPORT**

Chairman Kerstiens reported that he attended the S2T dedication ceremony in Mesa Arizona. There will be five ready by the end of August 1999. He said that he was very impressed with the S2Ts and the AirTack personnel, they are real professionals. The Chairman then said that he represented the Board at the California Cattlemen's Association Convention in Lake Tahoe, Nevada where he was a speaker and participated in land use and range improvement committees. He was also the after dinner speaker at the California Department of Forestry's Fire Fighters Annual Convention here in Sacramento. He also attended the Williams training burning that was organized by the Fire Marshal. The Williams Fire Chief was in charge and provided the tour.

Chairman Kerstiens then reported on issues facing the Board for 1999. He said that there needs to be better cooperation between CDF, Department of Fish and Game, Water Quality, and other agencies. There is a need for a better look at Mass Wasting issues, TMDLs, Fish and Game and Environmental concerns, and the implementation of the Fire Plan; also, Vegetation Management, the draft EIR. The Board cannot forget the watershed lands. Hardwoods is an issue that is going to stay around and every Board member must keep in mind. He said that monitoring is a very important function of the Board. Also, rule changes and/or additions must be done early in the year due to the time constraints. This is a regulatory Board and a Policy Board for the Department. That is the Board's charge and what it needs to look at in 1999.

#### **DIRECTOR'S REPORT**

Mr. Richard Wilson, Director of the Department of Forestry and Fire Protection, referred to his report in the Board binder. He said that watersheds and watershed management is of particular concern to the Department. The Department has worked with the University of California on a Freshwater Task Force and also has set up a Task Force internally. He said that it is important for the Board to be kept apprised.

Dr. William Stewart, CDF, Chief of the Fire Resource Assessment Program (FRAP), provided the Board with an update on the Freshwater Creek Assessment Team from the University of California. There was a field trip on December 21 and 22, 1998, with the Department of Mines and Geology in the Freshwater area. The geology is very complex. He said that there is concern that the Caspar Creek

relationships may or may not apply coast-wide. He said that the CDF Task Force is working on a report that it will provide the Board on these issues in February. The numbers of fish are up from that of last year in Freshwater Creek. Also, there has been a lot of development in the Freshwater Creek five and ten-year flood plains and under the two-year flood plain level.

Chairman Kerstiens then asked about landuse planning with the local Boards of Supervisors.

Dr. Stewart said that through the '70s and '80s there was not much flooding in the area. People did not expect flooding in the area when they built.

Ms. Clay asked about the zoning and why the County still allows building in the area.

Dr. Stewart said that the Team is going to follow up on the issue. Throughout Northwestern California, a lot of development has gone on right in the flood plains of these rivers and has significantly altered the runoff of these rivers during high flow periods. The Boards of Supervisors, after reviewing the Coho Study, realize that it is an issue that all counties are going to have to deal with.

Dr. Stewart then said that CDF's Task Force will have a report for the February Board meeting on how the issues of geology are addressed on areas of unstable slopes.

Dr. Stewart said that CDF is a large landowner in the Noyo River basin and that river is coming up as one of the TMDL watersheds. The Department has a lot of research data on the history of the area. CDF is working with some of the other landowners and looking at how land use in some of the other watersheds fit into the TMDL process. The TMDL procedure is going to be more extensive than just forestry because it also includes residential development in the flood plains as well. The Department is working on gathering all of the best information available in its GIS systems and integrating the other information coming in on stability and landslides. CDF's Task Force will be meeting again later this month on the Noyo River.

Director Wilson said that PALCO has a team of its own personnel up in Belview Washington working on the EIS in an effort to write a document that can meet the time lines of a review on March 1, 1999. The Department is trying to keep current on responding to all the comments that have come in from the public hearings to be sure that the SYP is correct and reflects any changes that may be taking place.

Director Wilson read a from a NMFS document that stated that NMFS and the Fish and Wildlife Service shall establish the site specific prescriptions for implementation upon the completion of each watershed analysis and that if NMFS or Fish and Wildlife Service

establishes site specific prescriptions that differ from prescriptions proposed in the watershed analysis, the agency shall state in writing the reasons for doing so. He said that it seems that the issue is being addressed from two different directions. It takes time to get the findings and do the work. The whole HCP process is very expensive, time consuming, and uncertain. It is not clear as to how to do the work, and the Department hopes that there will be some clarity and direction given to this effort during 1999.

Dean Lucke, CDF, said that the Department has put the PALCO plans into a priority order of plans; those feasible to get through the process within a few weeks, those that can be processed by March 1, and those that will be addressed in the future. As part of the HCP negotiations, PALCO asked for approval of 39 THPs prior to adoption of the HCP. CDF cannot do that, but has gone through those 39 plans to determine which ones can meet the March 1 deadline. Mr. Lucke then said that PALCO has no Timber Operator License (LTO) at this time. The Company was issued a Statement of Issues giving PALCO the alternatives before it; license not valid in 1999, renew it or stop operations; go through the administrative hearing process; or negotiate another stipulated agreement. The Department is talking with PALCO with regards to another Stipulated Agreement which would potentially be much stronger. Water Quality has potential for enforcement action.

Director Wilson said that the Department is waiting for a report that is being prepared by an inside consultant as to the ability to comply and be accountable and how the Company is organized.

Mr. Lucke said that Water Quality has the ability to enter into the process. It has not issued any types of findings, but has noted that there is a violation of the Basin Plan and that there are problems.

Mr. Frank Reichmuth, Senior Engineer for the North Coast Regional Water Quality Control Board (NCRWQCB), said that there is strong direction for enforcement from the Regional Board. Indication is that it will request sediment budgets. The NCRWQCB has hired two new staff people and has assigned a geologist to review Freshwater Creek. Water Quality is trying to work with PALCO without civil action. He said that the NCRWQCB is trying to work with the company to take care of the water supply problems in the North Fork Elk River—it does have that authority. He then said that the same individual who did Garcia TMDL is involved in Noyo TMDL. The first draft should be submitted in March 1999.

Ms. Clay asked if CDF could report back to the Board on the Jackson Demonstration State Forest's Citizens Advisory Committee and its efforts.

Director Wilson then reported on Hardwoods. He said that the Hull facility is working within the Integrated Hardwood Management

Program. Hull has approximately 160 employees and 25 percent of its products are for domestic use and 75 percent exported.

#### **REPORT FROM THE DEPARTMENT ON PITCH CANKER**

Mr. Stephen Jones, CDF, Deputy Chief for Pest Management, said that in June 1997, the Board approved the Coastal Declaration of Zone of Infestation and that the legislation (SB 1712) was signed by the Governor in August 1998. He then provided the Board with an update on efforts dealing with Pitch Canker. There has been 2.1 million dollars appropriated to address the Pitch Canker issue. In Solano County, Pitch Canker was suspected, however, not confirmed. In Davis, Pitch Canker was confirmed on a Christmas tree farm in August 1998. Four infections were found and the site was destroyed. He said that media coverage has been good. There have been other findings on the Interstate 80 corridor.

Mr. Don Owen, CDF, provided an overview of the Natural Community Conservation Plan (NCCP). CDF, Department of Fish and Game (DFG), and the Pitch Canker Task Force has been looking at in an effort to address the Pitch Canker threat and other threats to native Monterey pine trees. He said that a Task Force identified the need to address conservation issues regarding the Monterey pine forests. The Task Force made presentations to the Biodiversity Council and suggested that it look into the NCCP process. He said that a science based Resource Conservation Plan is now being developed, and the DFG is lead agency under the NCCP process. Resource conservation would be addressed on a Regional basis rather than a piecemeal site by site basis. It is a proactive effort to avoid species listing under state and federal Endangered Species laws. Mr. Owen said that the Task Force is also working in cooperation with Association with Monterey Bay Area Governments (AMBAG). There were a series meetings in the Central Coast area on Pitch Canker and the NCCP in an effort to let people know about NCCP process. There will be another meeting with AMBAG keep them informed about the NCCP process. It is an issue where local people need to be involved in order for it to move forward.

Ms. Clay asked how large an area the NCCP covers.

Mr. Owen said that it would cover the native Monterey pine forests. There are three totaling approximately 15,000 acres.

Mr. Scott Johnson, Chair of the California Forest Pest Council, read a letter into the record from the David and Lucille Packard Foundation. The Foundation approved a grant in the amount of \$15,000.00 to the California Forest Pest Council. The grant is to start up the effort for a Natural Community Conservation Plan for native Monterey pine forest ecosystems.

Mr. Owen thanked the CFPC and the David and Lucille Packard Foundation for the support of the NCCP process.

Mr. Russ Henly, CDF, is the Department's lead on the NCCP process. He explained that the Task Force is not restricting itself to the NCCP process. The Task Force is looking at a landscape level conservation process.

Mr. Owen also said that there is a process being planned for treating and moving logs. The movement is coordinated through the Agricultural Commissioners. The logs will be debarked and any infections on the logs will be cut out. This will minimize the spreading of the disease via these logs. The material removed from the logs would remain in the ZOI as compost.

#### **REPORT FROM RESOURCES AGENCY ON ACTIVITIES OF THE WATERSHED PROTECTION AND RESTORATION COUNCIL (WPRC)**

Mr. Mark Hite, Special Assistant to Director Wilson, said that the final report from the WPRC was submitted to the Governor in December. The WPRC discussed asking the Wilson Administration to extend the life of the WPRC for six months or folding into a biodiversity council. No decision was made on a Biodiversity Council, and the Wilson Administration was not willing to "handcuff" the incoming Administration with the WPRC for six months. The NMFS has been in contact with the new Administration in support of continuing the WPRC. A five member Science Panel has been formed and is moving forward on evaluating the Forest Practice Rules. They hope to have an evaluation and recommendation out in June 1999.

#### **ADVISORY COMMITTEE REPORTS**

##### **CALIFORNIA FOREST PEST COUNCIL (CFPC)**

Mr. Scott Johnson, Chair of the California Forest Pest Council (CFPC), provided an update on the activities of the Pest Council. He said that the Council had its 48<sup>th</sup> Annual meeting in Sacramento on November 19 and 20, 1998. Among the topics were hazard tree management that also included city trees and hardwood trees in the Council's effort to reach into the urban forestry area. He then offered congratulations to Don Owen and Susan Frankel in putting in the grant proposal and getting it accepted.

Mr. Johnson said that the Pest Council will be having its Forest Vegetation Management Conference in Redding, January 19-21, 1999. He then introduced the Chairs of the Forest Pest Council Committees.

Mr. Ed Frederickson, Chair of the Vegetation Management Committee, said that the Vegetation Management Conference this year will focus on new application technology.

Mr. Bill Bailey, Chairman of the Weed Committee said that the Weed tour was in Mt. Shasta this year. It was a very successful tour and a lot of good comments came out of that trip.

Mr. Johnson then said that, at the Vegetation Management Conference, the Committee will be looking at the new Vegetation Management Program and the existing Chaparral Management Program (CMP), which is burning large acreage, to see where they differ, conflict, or overlap. The Pest Council will also be working with RMAC.

#### **RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)**

Mr. Tom Randolph, Executive Secretary for RMAC, said that in the beginning of 1998 RMAC developed a Strategic Plan. He then reviewed the accomplishment made by RMAC during the year. He said that the RMAC Sub-committees will elaborate on their efforts. Mr. Randolph, on behalf of the Chairperson for the Hardwoods Sub-committee, reported on the Hardwoods issue. The Hardwoods Sub-committee has been working closely with the UC Extension's Integrated Hardwood team. He said that conversion to subdivision and other uses is a big issue.

Chairman Kerstiens asked if the RMAC was aware of another Hardwoods Seminar on the Hardwoods issue will be taking place in Visalia in June.

Mr. Randolph said that RMAC was aware and that it would take part. He then said that RMAC found that counties using the Integrated Hardwood Guidelines are not having problems. He then provided the Board with an update on the Legislation involving steel traps.

Mr. Len Lindstrand, Chairman of RMAC, reported on the Vegetation Management Sub-committee's efforts. He said that the Committee has been closely following the implementation of the Fire Plan, and the new EIR which is in draft form. RMAC plans on tracking each of the Ranger Unit's progress as it relates to the Fire Plan, and the range burning program.

Chairman Kerstiens said that one of the VMP charge, which is being funded by the California State Licenses Fund, is to burn about 60,000 acres a year, but now it is down to about 20,000 acres a year. Reducing the fuel is a life safety issue. In the agricultural area, there is a feeling that the range improvement burns are not getting as much priority as the other areas. The RPC is going to follow up on this issue.

Mr. Ken Zimmerman, RMAC Chair of the Noxious Weed Sub-committee, said that last year the Committee met with the state and federal agencies. RMAC then decided to form a Strategic Plan to focus on these key components: organization, leadership, funding and resources, coordination, cooperation, partnerships, awareness and education, mapping, monitoring and assessment, detection, prevention, control, and re-vegetation. Also, research and technology, and enforcement and compliance. The Sub-committee hopes to have the rough draft document ready for comment in 1999, incorporate comments into the final draft and submit it to the Board.

Mr. Clancy Dutra, Chair of the Water Quality Sub-committee, provided a progress report for the Board. The report was put together by UC Extension on the statistics on the number of ranches and acres that have been completed following the Rangeland Water Quality Plan of a year ago. He then reviewed those statistics with the Board. Mr. Dutra said that the data is mainly from people who have attended one of the short courses put on by the UC Extension or the NRCS and completed a plan as a result. He said that when and what portion of a plan becomes public information is of concern. Mr. Dutra then said that another area of concern is the Total Maximum Daily Loads (TMDL). There are different requirements from the different agencies as to what goes into a plan. There cannot be inconsistencies. There are different interpretations on how the Information Act affects a plan. RMAC is trying to set some public meetings with landowners and agencies to determine what is an agreement and what is acceptable. The next goal should be to get the word out the landowners and to regulatory agencies as to the existence of a plan, how to use it, and how necessary it is. Another goal is to achieve an agreement and acceptance by the regulators, landowners, and the public on what is required and what will become public information. To achieve these goals, funding for staff and mailings is critical.

Mr. Randolph then said the voluntary program is working and is effective. There is a need to have a repository. RMAC's recommendation is that people keep track of and maintain their own data in their areas.

Mr. Henry Giacamini, RMAC Chair of the Certified Rangeland Manager Sub-committee. He said that the Sub-committee has met twice with the CRM and sent letters to the California Society for Range Management chapter in Redding expressing its concerns. The members of the CRM subcommittee have expressed concerns about the certification goals and process to the members of the Society for Range Management. He then reviewed the concerns for the Board, including what is the need for CRMs and the role of the CRM. The industry believes that the CRM program puts a burden on the private sector by developing the exam; the experience criteria; licensing; who is regulator, who has jurisdiction; and that this

exercise could create an elite profession. The consequences of



these questions are vital to the industry and to rangeland managers.

Mr. Randolph said that RMAC has been meeting with the sub-committee on Public Lands. RMAC has responded to the Bureau of Land Management regarding grazing guidelines and standards. RMAC has written to the forest service on grazing allotment in the Tahoe basin and is involved with the SNEP process and the grazing land evaluation for each one of the forests in California. RMAC will continue to be involved with the Public Lands Sub-committee and respond to the various federal agencies.

There was some further discussion.

Mr. Lindstrand said that the members of RMAC wanted to publicly thank Tom Randolph for his dedication and hard work as the Secretary to RMAC.

#### **PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)**

Mr. Daniel R. Sendek, Executive Officer for Professional Foresters Registration, referred to the draft Mission Statement in the binder and read it into the record. The Board approved the Mission Statement as read. There was no motion required. Mr. Sendek said that the Registered Professional Foresters Exam given on October 16, 1998, and had a pass rate of 64 percent. He then read the names of successful examinees into the record.

**99-1-2** Ms. Clay moved to approve Steven L. Henson, RPF 2632; Alan Peters, RPF 2633; Alex M. Straessle, RPF 2634; John R. Van Duyn, RPF 2635; Robert D. Reynolds, RPF 2636; Ian R. Thompson, RPF 2637; Steve Wilson, RPF 2638; James S. Hildreth, RPF 2639; Joseph A. Naya, RPF 2644; James E. Dudley, RPF 2645; Colleen C. Shanahan, RPF 2646; Linda J. Romero, RPF 2647; Kent R. Julin, RPF 2648; Ivan J. Houser, RPF 2649; John R. Bennett, RPF 2650; Robert G. Little, RPF 2651; and Stephen J. Hohman, RPF 2652 as Registered Professional Foresters. Also, Jeffery A. Creque as Certified Rangeland Manager 75. Mr. Rogers seconded the motion, and all were in favor.

Mr. Sendek read the names of those RPF requesting reinstatement into the record.

**99-1-3** Ms. Clay moved to approve the reinstatements of C. Fred Landenberger, RPF 240; David T. McHardy, RPF 1589; Lawrence Rankin, RPF 765; and Steve Tarney, RPF 1690. Mr. Flynn seconded the motion, and all were in favor.

Mr. Gary Rynearson, Chairman of the PFEC, provided the Board with the PFEC biannual report. He reviewed several policies for the

Board. The Board's policy number four regarding the release of public information regarding disciplinary action is of concern. He then referred to the Board's binder and the revised Board Policy number four and reviewed the proposed language for the policy with the Board. He read the current policy and then added that the media release will occur in all disciplinary case resulting in suspension or revocation involving; fraud, deceit, gross negligence and incompetence. Also, any suspension that exceeds 30 days will involve in immediate press release. He said that a standardized format needs to be developed for the media release. The media release would only take place in the area where the infraction occurred. The PFEC also suggested changes to items three and eight.

Mr. Ryneearson said that the PFEC has looked at the revisions of Title 14, CCR Section 1600. The PFEC recommends that in 1607, there be clarification that there is no proration of dues for anyone requesting reinstatement. With regard to withdrawals, the current language reads that the Board "may" revoke a license. The PFEC recommends that the language be changed to "shall" revoke that license. The PFEC also recommends the insertion of language under CCR 1608 that will preclude individuals who have a disciplinary case pending before the PFEC from withdrawing their license at that time.

Mr. Ryneearson said that the most extensive changes are under 1612.1, disciplinary guidelines. The PFEC focused on the more major causes of disciplinary actions and specifically has recommended that if a licensee is found guilty of fraud, deceit or gross negligence, that there should be a minimum of six months suspension, with an actual suspension minimum of 60 days.

Mr. Ryneearson then asked that the Board review the recommendations of the PFEC and if appropriate, request staff to prepare an analysis of the proposed regulatory changes.

Mr. Rowney said that this would be a standard Board regulation and only difference between this proposal and Forest Practice regulations is that these proposed changes would not be bound by the January 1 deadline requirement.

Mr. Ryneearson said that the PFEC is asking the Board to consider the policy changes and the proposed regulation changes.

**99-1-4** Mr. Rogers moved to direct staff to prepare an initial statement of reasons for the proposed rule changes. Ms. Clay seconded the motion, and all were in favor.

Mr. Ryneearson asked that the Board forward Mr. Giacamini's comments to the PFEC. He then reviewed outstanding cases pending before the PFEC. He said that there is one case to be heard on

January 19, 1999. Also, Mr. Ryneanson commended Mr. Sendek and Ms. Gonzales for all their efforts.

#### **APPOINTMENTS TO PROFESSIONAL FORESTERS EXAMINING COMMITTEE**

Mr. Heald said that there are two openings on the PFEC. One is for an RPF representative and the other a CRM representative.

**99-01-5** Mr. Heald move to reappoint Mr. Douglas Ferrier to the PFEC. Ms. Clay seconded the motion, and all were in favor.

**99-01-6** Mr. Heald move to appoint Michael Stroud as the CRM representative on the PFEC. Mr. O'Dell seconded the motion, and all were in favor.

#### **REPORT OF THE EXECUTIVE SESSION**

Chairman Kerstiens reported that the Board met in Executive Session to discuss pending litigation under Section 11126 (e) of the Government Code and matters related to Foresters Licensing under Section 11126 (c) 1, 2, and 3 of the Government Code.

Mr. Daniel Sendek, Executive Officer for Foresters Licensing, reported that Richard A. Wheeler, RPF 207 petitioned the PFEC to reinstate his license from probation. Mr. Wheeler completed the conditions of his probation, and the PFEC recommended that the Board fully reinstate Mr. Wheeler's license and the Board did so.

#### **REPORT OF THE USDA FOREST SERVICE**

Ms. Karen Barnette, USDAFS, announced the new appointees to the Regional Office: Bradley E. Powell, Acting Regional Forester (Deputy Regional Forester Resources); Roberta A. Moltzen, Deputy Regional Forester, State & Private Forestry; and Ken Blonski, Deputy Director, Fire & Aviation Management.

Chairman Kerstiens asked about the consolidation efforts in the Ranger Units.

Ms. Barnette said that there was some consolidation going on, but that part of it is part of the reorganization efforts. She said that the Rangers office will be moving to Mare Island in February.

Ms. Barnett then reviewed two handouts for the Board on the National Resources agenda. She then provided the Board with an update on the Sierra Nevada Framework. She said that the Forest Service is currently into the NEPA process with the Environmental

Impact Statement (EIS). Ms. Barnett said that they have continued to hold meetings for public input during the process. A draft

document should be available in February with the final document in July 1999. It is important that all of the comments received are considered.

Ms. Barnett said that the Quincy Library Group Legislation passed in the last session of Congress. It involves a five year program to accomplish. However, the funding has been appropriated for two years.

Mr. Flynn expressed concern over the funding of the Quincy Library Group.

Ms. Barnette said that there is now a project manager who is looking at every possible way to make this project work including contract burning.

Ms. Clay said that this issue will be on the RPC agenda for February.

#### **DISCUSSION OF POSSIBLE POSITIONS OR ACTIONS ON ISSUES WITHIN JURISDICTIONS OF FEDERAL AGENCIES**

Mr. Joe Blum, National Marine Fisheries Service (NMFS), provided the Board with an overview of his qualifications. He said that NMFS is paying attention to habitat and endangered species issues. He said that there will be additional staff coming to Sacramento to work with particular attention on CALFED. He then reviewed efforts being done regarding CalFed. He said that it is important for the Watershed Council to continue its efforts. He has had several meetings with the Fish and Game Commission (FGC) and said that it is important for the Board and the Commission to work together.

Ms. Clay said that the Board has a vehicle for communicating with the Commission. She said that the three Joint Policies between the Board and the Commission are in effect. However, there are other issues that make sense and that possibly the EMC would be the Committee to review those possibilities.

#### **PUBLIC FORUM**

Mr. Alan Cook said that impacts in Freshwater Creek have escalated since 1997. He said that projects are recommended, but no follow-up occurs. He then reviewed the past events with the Board and said that if harvesting stops today, it will take centuries to recover the forests. Mr. Cook then said that they want harvesting to stop in the Freshwater Watershed until the forests reach the pre 1990 conditions.

Mr. Daryl Story, resident of the Freshwater valley, provided photos of damaged areas and the background of each photo for the Board.

Ms. Deborah Barnes, Deputy District Attorney and Counsel for the Board, announced that a call had just come in from the Governor's Office relieving all unconfirmed Board and Commission members, throughout the state, of his or her seats effective immediately. She then asked Mr. Brown and Ms. Clay to please leave their seats.

There was a short recess.

Mr. Jesse Noel reviewed the Forests Forever request for emergency rules in the Freshwater Watershed. He provided overhead slides and said that there is a threat to public health and safety and that there is a public nuisance. Mr. Noel said that there is increased flooding due to aggradation and vegetation changes. He then quoted regulations and said that the Board has the authority to make emergency rules.

Mr. Dean Lucke, CDF, said that CDF does not have the authority to change approved plans. He gave an overview of the mitigation measures.

Mr. Rogers asked if water volume increases are correctable.

Mr. Lucke said that they were.

Dr. Bill Stewart, CDF, said that there is a Work Plan draft on the cumulative effects available. He then talked about concern regarding flooding due to sediment. There is a possibility that the lower Freshwater may need to be dredged. Also there is a need to develop cross sections of flood plains.

Mr. Alan Cook said that there is a need to act now and approve a moratorium on excessive logging.

Mr. Jesse Noel said that the issue of expertise. He also said that CDF should deny old plans.

Mr. Daryl Story said that the issue is an emergency and that it is urgent.

Mr. Christopher Rowney, Executive Officer for the Board, said that the only action to be made here today is to determine if this item should be placed on the February agenda for a Public Hearing.

**99-1-7** Mr. Rogers moved to place the request for an Emergency Hearing by Forests Forever on the Board's February agenda. Mr. Heald seconded the motion, and all were in favor.

Mr. Richard Gienger said that there needs to be action on the issues by May or June. He said that it is still unclear if anything has been done regarding the Mass Wasting issue. There needs to be a prediction system and an action plan. He then read passages from a transcript of the November 1998 Board meeting. He then provided the Board with another emergency petition.

**HEARING TO CONSIDER PROPOSED CHANGES IN BOUNDARIES OF STATE RESPONSIBILITY AREAS AFFECTING FIRE SERVICE BY AUTHORITY OF PUBLIC RESOURCES CODE, SECTION 4125**

Ms. Fran Henson, Staff Manager and Committee Consultant for the Board, said that the Department has requested that this item be removed from the Board's agenda. The boundary lines are to be determined by the federal government. No action was required.

**CONTINUED PUBLIC FORUM**

Ms. Traci Thiele spoke about hate crimes and said that they will continue because emotions are at a peak. She said that all systems are in jeopardy of collapse. Ms. Thiele then reviewed a list of priorities for 1999.

Mr. Mark Rentz, California Forestry Association (CFA), said that CFA is also concerned about wildlife, fish, and water quality and any threat to health and public safety to the residents. Without a doubt, the projected population growth is going to be an issue. He said that Board staff should look into zoning and construction in flood zones. The Board looks at these issues and a number of steps have been taken by CDF.

Chairman Kerstiens said that local government needs to be involved and take its charge.

Mr. Ed Ehlers, ACL, provided the Board with its education schedule for 1999. He gave an overview of the classes offered.

Mr. Ken Stromsmoe said that there needs to be a stop to the cutting.

Ms. Cynthia Elkins, EPIC, said that there needs to be a shift in attitude. She said that 90 percent of Freshwater has been logged in the past five years. The main changes that have occurred to Pacific Lumber lands are small changes that do not address all the problems.

## **STANDING COMMITTEE REPORTS**

### **FOREST PRACTICE COMMITTEE (FPC)**

Mr. Rogers, Chair of the FPC, reported that there was a lengthy discussion regarding the Richard Gienger proposed rule language. Each item was discussed in detail to establish intent, clarity, and necessity. As a result of the discussion, substantial changes are proposed by the Committee. The Committee then directed staff to work with committee members in preparing a draft of the proposed language amendments reflecting those changes. The Committee also requests that Board staff contact the Department of Fish and Game and possibly the National Marine Fisheries Service for input regarding the necessity for changes in 14 CCR 916.4. Staff was also asked to research the current rules to determine what other sections of the rules would be affected if the Board moved to adopt rule language changes. The Committee then decided to postpone further discussion of Watershed Attributes in Coho and TMDL Streams until February. The Administrative Procedures Act should be carefully considered before the Board moves to send the regulations out for public notice following the incorporation of any revisions recommended by the Committee.

Mr. Rogers said that Board staff provided the Committee with a review of the actions taken by the Office of Administrative Law (OAL) regarding the Winter Period rules package. The Committee agreed to work with staff to make the necessary changes to the regulations as requested by OAL and move forward to re-notice the proposed regulation changes following a motion by the full Board.

Mr. Rogers then said that the Committee discussed the need to visit Santa Cruz County to observe conditions relative to the County's rulemaking proposal. It was determined that a field trip would facilitate the review of conditions in Santa Cruz County relative to timber harvesting plans and the need for future rule revisions. The Committee then directed staff to arrange a field trip for February or March and to notify all interested parties.

### **ECOSYSTEM MANAGEMENT COMMITTEE (EMC)**

Mr. O'Dell, Chair of EMC, said that the Committee was given an update by the Department of Mines and Geology on the deliverables which is an ongoing project.

Mr. O'Dell said that CDF has 48 sets of the mapping project available on the internet. There should be 10 more this week. He said that when they are all finished, they would be available to the public on CD.

Mr. O'Dell said that there was some discussion regarding the TMDL process. EPA has the responsibility to write these TMDLs. He then reviewed the Garcia and Redwood Creek TMDL progress for the Board. The Water Board said that none of these could go through a peer review period by the March meeting of the Water Board in Eureka.

Mr. O'Dell said that the National Marine Fisheries Service (NMFS) was very comfortable with stream buffer zones proposed in the PALCO Habitat Conservation Plan (HCP). There are 18,000 comments that have to have a response. NMFS also indicated that this HCP will not be a blueprint for other HCPs. He said that there is a fair amount of work going on about listing. The listing should be out on Coho in January.

Mr. O'Dell then asked CFA to provide a future update on the NMFS Strategic Plan meetings.

Mr. Mark Rentz, CFA, gave an overview of what is going on with the Forest Service. He said that there was a meeting in Davis to draft EIRs. There is some concern regarding consistency. The comment period for that EIS will close on January 19, 1999.

Mr. O'Dell said that it ties in with the Vegetation Management EIR. He said that he would keep the Board updated on that issue.

Mr. O'Dell then said that the Committee received an update on the CZARA.

#### **RESOURCE PROTECTION COMMITTEE**

Chairman Kerstiens said that staff will send Region Reports in a post mailing. He then reported that the RPC received a report from the Department on the S2T. There was also discussion on Air Quality issues. The next RPC there will include a discussion of SRA.

#### **DISCUSSION ON SENSITIVE WATERSHED NOMINATION PROCESS**

Mr. O'Dell reviewed the process with the Board. There were some noticing problems as well as staffing problems. He said that he did not know how it could be improved.

Mr. Flynn asked if the Board wanted to keep it the way it is or rewrite it.

Mr. Baldwin said that he believes that the process provides a valuable tool for the public to comment and present its case. He said that he is reluctant to throw it out.



Mr. Heald said that there are serious problems that have not been addressed and until they are there will continue to be issues with the process.

Mr. O'Dell said that he would like the Board to decide on an action.

Mr. Rowney said that an amendment of the rule is subject to a 45-Day Notice.

Mr. Richard said that there was a lot of effort put into this process.

Mr. Dan Weldon, FLOC, said that FLOC is opposed to the Sensitive Watershed Rule.

Mr. Richard Gienger said that he is opposed to the process as it exists.

Mr. Mark Rentz, CFA, said that this is an opportunity to bring people together to discuss their feelings on the issue. It is a good process. The CFA would like to keep the rule in place and wait to see if the WPRC comes up with something better.

Mr. O'Dell said that the package needs to be restructured so that better noticing could be accomplished. He said that he would like for the Committee to rewrite it.

#### **EXECUTIVE OFFICERS REPORT**

Mr. Rowney reviewed the February meeting for the Board. He said that there is going to be a Valley Oaks Conference; put on by IHRMP, scheduled for June to be held in Visalia.

Mr. Rowney announced that the Board's Mandate will be put on the internet linked with the CDF Web page. It should be up by February 15, 1999.

#### **NEW AND UNFINISHED BUSINESS**

Mr. Richard Gienger expressed his disappointment as to member Clay leaving the Board and that he appreciated her years of service.

Ms. Ronda Lukas, California Farm Bureau (CFB), she said that Santa Cruz had passed an ordinance. She then said that member Clay's efforts while on the Board were very much appreciated.

Mr. Dennis Hall gave the Board an update on the status of the four rule packages that were sent to the Office of Administration (OAL). The number one reason for returning a rule package is

clarity. He then provided the Board with an overview of the OAL workshop he attended and discussed points of interest with the Board.

Mr. Rogers suggested that the Board send a letter to Ms. Clay for her years of service.

Mr. Heald pointed out that she was a strong advocate of public notification.

#### **ADJOURNMENT**

**99-1-8** Mr. O'Dell moved to adjourn the January 1999 Board of Forestry and Fire Protection meeting. Mr. Flynn seconded the motion, and all were in favor.

Respectfully submitted,

ATTEST:

Christopher P. Rowney  
Executive Officer

Robert J. Kerstiens  
Chairman

Copies of the attendance sheet can be obtained from the Board office.